

BoxInterference@uspto.gov

Paper No. 69

Filed: 14 December 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

SHANE C. HOLLMER and LEE E. CLEVELAND

Junior Party
(Patent 5,828,601)¹

v.

ELIYAHOU HARARI and SANJAY MEHROTRA

Senior Party
(Application 09/310,880)²

Patent Interference No. 105,606
(Technology Center 2800)

Before: RICHARD E. SCHAFER, JAMESON LEE, and RICHARD TORCZON,
Administrative Patent Judges.

LEE, *Administrative Patent Judge.*

Judgment – Bd. R. 127

1 Based on Application 08/160,582, filed December 1, 1993. The real party in interest is Spansion LLC.

2 Filed May 14, 1999. The real party in interest is SanDisk Corporation. Accorded the benefit of Application 08/771,708, filed December 20, 1996, now issued as Patent 5,991,517; Application 08/174,768, filed December 29, 1993, now issued as Patent 5,602,987; Application 07/963,838, filed October 20, 1992, now issued as Patent 5,297,148; and Application 07/337,566, filed April 13, 1989.

Interference No. 105,606
Hollmer v. Harari

Harari has been accorded benefit of Application 07/337,566, filed April 13, 1989, with respect to Count 1. (Paper 67). In Hollmer's priority statement, Holler states that its earliest corroborated date of conception was April 23, 1993. (Paper 35). Because Hollmer does not assert a date of invention prior to the benefit date accorded Harari, it is now time appropriate or entry of judgment against Hollmer.

It is

ORDERED that judgment on priority as to Count 1 is entered against junior party SHANE C. HOLLMER and LEE E. CLEVELAND;

FURTHER ORDERED that junior party's claims 1-3 and 14-16 of Patent 5,828,601, which correspond to Count 1, are CANCELLED;

FURTHER ORDERED that the parties shall note the requirements of 35 U.S.C. §135(c) and Bd.R. 205; and

FURTHER ORDERED that a copy of this judgment shall be entered into the file of Application 09/310,880, and Patent 5,828,601.

Interference No. 105,606
Hollmer v. Harari

By Electronic Transmission

Attorney for Junior Party Hollmer:

Martin C. Fliesler, Esq.
Rex Hwang, Esq.
FLIESLER MEYER LLP
650 California Street, 14th Floor
San Francisco, CA 94108
Tel: (415) 362-3800
Email: mcf@fdml.com
Email: rhwang@fdml.com

Attorney for Senior Party Harari:

Gerald P. Parsons, Esq.
Davis Wright Tremaine LLP
505 Montgomery Street, Suite 800
San Francisco, CA 94111-6533
Tel: (415) 276-6534
Email: geraldparsons@dwt.com

William A. Birdwell, Esq.
Davis Wright Tremaine LLP
1300 SW Fifth Avenue, Suite 2300
Portland, Oregon 97201-5630
Tel: (503) 778-5208
Email: billbirdwell@dwt.com